



Togo

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Togo is a republic dominated by President Gnassingbe Eyadema, who has ruled since 1967, when he came to power following a military coup. Although opposition political parties were legalized following widespread protests in 1991, Eyadema and his Rally of the Togolese People (RPT), strongly backed by the armed forces, have continued to dominate political power. Despite the Government's professed intention to move from authoritarian rule to democracy, institutions established ostensibly to accomplish this transition did not do so in practice. The 1998 presidential and 1999 legislative elections were marred by procedural problems and significant fraud, particularly the misrepresentation of voter turnout. The RPT holds 79 of the 81 seats in the National Assembly. Legislative elections, originally scheduled for March 2000, were rescheduled until October for "technical reasons," but again were delayed until 2002. Eyadema and his supporters maintain firm control over all facets and levels of the country's highly centralized Government. The executive branch continues to influence the judiciary.

The security forces consist of the army (including the elite Presidential guard), navy, air force, the Surete Nationale (including the national police), and the Gendarmerie. Approximately 90 percent of the army's officers and 70 percent of its soldiers are from the Kabye ethnic minority. Although the Minister of the Interior is nominally in charge of the national police and the Defense Minister has nominal authority over most other security forces, all security forces effectively are controlled by President Eyadema. Members of the security forces effectively curtailed civil liberties of regime opponents, especially in the northern part of the country. Members of the security forces continued to commit serious human rights abuses.

Approximately 80 percent of the country's estimated population of 4.6 million is engaged in subsistence agriculture, but there also is an active commercial sector. The main exports are phosphates, cotton, and cocoa, which are the leading sources of foreign exchange. Per capita gross domestic product remains less than \$400 (292,800 CFA francs) a year. Economic growth continued to lag behind population growth. The Government privatized several companies during the year, began anticorruption efforts, and took steps to increase its budgetary and fiscal discipline. In 2000 the national electric company was privatized, and the Government opened the national phosphate parastatal to private capital. According to the International Monetary Fund, the Government enacted expenditure controls, helping it meet budgetary targets and show good fiscal discipline. In January the Government created the National Anti-Corruption Commission (ACC), which arrested numerous public and private officials, and recovered more than \$1 million (750 million CFA francs) in diverted public funds during the year. However, international and bilateral donors continued their suspension of foreign aid because of the Government's weak democratization efforts and poor human rights record.

The Government's poor human rights record worsened during the year, and the Government committed numerous abuses. Citizens' right to change their government is restricted. As in the past, human rights abuses increased as the country neared elections. The Government forcibly dispersed political rallies and protests, seized independent newspapers, and jailed political opponents and critics of the Government, especially in the north of the country. There were no confirmed reports of extrajudicial killings; however, several extrajudicial killings that were committed in previous years but unreported, were discovered during the year. Security forces beat civilians. The Government did not, in general, investigate or punish effectively those who committed abuses, nor did it prosecute those persons responsible for extrajudicial killings and disappearances in previous years. Prison conditions remained very harsh. Arbitrary arrest and detention was a problem, and prolonged pretrial detention was common, with prisoners often detained 6 to 7 months without being charged. The Government continued to influence the understaffed and overburdened judiciary and did not ensure defendants' rights to fair and expeditious trials. There are several political prisoners. Security forces often infringed on citizens' privacy rights. The Government and the security forces restricted freedom of speech and

of the press, often using investigative detention and criminal libel prosecutions to harass journalists and political opponents. The Government restricted academic freedom and freedom of assembly, association, and movement. The National Commission for Human Rights (CNDH) continued to be dominated by supporters of the President, and the Government restricted and impeded the work of independent human rights groups. Violence and societal discrimination against women remained a problem. Female genital mutilation (FGM) persisted among some ethnic groups; although there is a 1998 law that prohibits FGM, the Government rarely enforced it. Discrimination against ethnic minorities remained a problem. The Government limited workers' rights to collective bargaining. Child labor was a problem. Trafficking in women for the purpose of prostitution and trafficking in children for forced labor remained problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person,

Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents during the year; however, several extrajudicial killings that were committed in previous years but unreported were discovered during the year.

There were no developments in the investigation of the March 2000 killing of an alleged government-paid agitator on the University of Benin campus in Lome.

There were no developments in the 1999 killing of a missionary in Lome or the 1999 case in which gendarmes raided the Akodessewa-Kpota shantytown neighborhood in Lome and set fires that reportedly killed two children.

In 2000 the Government agreed to a joint U.N. and Organization of African Unity (OAU) Commission of Inquiry to investigate a 1999 Amnesty International report that accused the Government of throwing hundreds of bodies—presumably members of the opposition—into the sea during the 1998 presidential elections (see Sections 1.b. and 4). The Commission visited the country in 2000 and in February the Commission released the results of its investigation (see Section 4). The Commission said there was credible evidence of some extrajudicial killings that merited further investigation; however, no further investigation occurred during the year. The report also identified extrajudicial killings and disappearances committed during the 1998 elections that had not been reported. The Commission's report alleged that security forces or militias linked to government authorities killed the following persons: Kodjo Ahadji in December 1998 from torture and ill-treatment in the Civil Prison of Lome; Anani Teko Allyn in November 1998; Koffi Amouzou in June 1998; Koffi Roger Ahiakpo in June 1998; Kossi Kossi in June 1998; Koffie Tenou in June 1998 from torture and ill-treatment in the Civil Prison of Lome; Germain Palanga N'Gamnouwe in April 1998 after being tortured at the Kara National Gendarmerie Station; Pele Keleou in April 1998 after being tortured at the Kara Gendarmerie Station; and Hoffia Messan Pomeavor in March 1998.

In March the Government established a national Commission of Inquiry to investigate the Commission's allegations, which concluded that these allegations were unfounded (see Section 4). The Government's Commission found that Pomeavor, Amouzou, Ahiakpo and Kossi were unknown to the security forces, and one person was stabbed to death in an armed robbery. It said that Anani Teko Allyn was killed accidentally by a warning shot fired by a Kossi Hor, a gendarme, in an attempt to disperse a violent demonstration. The Government claimed that Hor was disciplined for this incident. The Commission also found that Ahadji and Tenou died of natural causes, and neither of their autopsies found signs of violence.

In its June report, the Government's Commission of Inquiry stated that Togolese Human Rights League (LTDH) founding member Dr. Tona Pierre Adigo committed suicide in his car in 1998 and that businessman Malou Borozi was killed during a carjacking in 1998. The Commission also reported that a soldier, Tchingli N'doa, accidentally killed Ayele Akakpo in 1998. In October 1998, the case was forwarded to National Prosecutor's Office; however, no further action reportedly was taken by year's end. In August the Government arrested a suspect in the September 1998 killing of Koffi Mathieu Kegbe, a local activist in the opposition Action for Renewal Committee (CAR) party in Yoto Prefecture; no further action was taken by year's end.

On April 7 in Akodessewa, a mob lynched Anani Adable and Apelete Koffi Klutse, two alleged thieves; there was no suspicion of government involvement, and there was no investigation into their deaths by year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

A 1999 Amnesty International report stated that hundreds of bodies--presumably those of opposition members--were thrown into the sea around the time of the 1998 presidential elections (see Sections 1.a. and 4). According to Amnesty International, the corpses were found and buried by Beninese fishermen. The Government strongly denied the accusations and initiated legal proceedings against Amnesty International in 1999; however, it later dropped the suit prior to the arrival of the U.N./OAU Commission of Inquiry. The independent Benin Human Rights League reported that bodies were dropped along the coastal waters by military aircraft, although other official sources in Benin denied that this event happened. In 2000 a U.N./OAU commission arrived to investigate those charges and other alleged disappearances. In its final report released in February, the U.N./OAU Commission of Inquiry reported the disappearance of the following six persons, previously unreported, each of whom was last seen under arrest by security forces in 1998: Koffi "Hitler" Akakpossa, last seen on December 22; Nicolas Assiongbon, last seen in October; Adrisse "Ringo" Djiewone, last seen on August 10; Yao Homawoo, last seen February 8; Kokou Akakpo, last seen February 7; Eugene Senyo, last seen February 7.

There were no developments in the 1994 disappearance of David Bruce, a high-level Foreign Ministry employee sympathetic to the opposition, which remained under investigation by the Government.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and physical abuse of prisoners and detainees; however, security forces often beat detainees after arresting them. Some suspects have claimed credibly to have been beaten, burned, or denied access to food and medical attention. Impunity remains a problem, and the Government did not prosecute publicly any officials for these abuses.

On April 17, security forces arrested former Army Chief of Staff LTC Bitenewe who claimed he was beaten while in incommunicado detention at the barracks of the Para-Commando Regiment in Kara (see Section 1.d.).

On May 29, Thomas Gnandi and Kodjo Gbodzisi, the President and Vice President of the Student Council at the University of Lome (CEUL) alleged that police in Lome arrested and tortured them (see Sections 1.d. and 2.a.).

Security forces harassed, intimidated, and beat journalists (see Section 2.a.).

Security forces used tear gas, truncheons, and batons to disperse forcibly numerous demonstrators (see Sections 1.d., 2.a., and 2.b.). For example, on February 24, police used tear gas and truncheons to disperse forcibly opposition party demonstrators; 10 demonstrators were injured (see Section 2.b.).

On August 11 and August 18, security forces forcibly dispersed opposition party demonstrators, who were protesting against the August 3 imprisonment of opposition CAR party President Yawovi Agboyibo. The security forces dispersed the demonstrators with tear gas and truncheons; some demonstrators suffered cuts and bruises. Several demonstrators were arrested and later released without being charged (see Section 2.b.).

No known action was taken during the year against security forces who used excessive force when forcibly dispersing demonstrations on the following dates in 2000: July 6; February 17; and January 12.

An Angolan diplomat accredited to Benin and Togo was arrested and allegedly tortured in 1999 for allegedly attempting to kidnap one of Jonas Savimbi's children. The diplomat was released quickly and deported immediately; the Government took no action on the allegations of torture.

There was neither investigation into nor action taken in the following cases from 1999: The case in which security forces reportedly tortured a human rights monitor; the August case in which police, gendarmes, and military personnel reportedly detained and beat five young men; the May case in which security forces allegedly beat and tortured Ameen Ayodele; and the March case in which security forces in Lome beat university student Gerard Amedjro and a female friend.

On April 5, the Union of Forces for Change (UFC) claimed that RPT militants outside of Tchamba doused UFC Secretary General Jean-Pierre Fabre with gasoline and threatened to set him on fire. Security forces finally intervened. There was no investigation into the incident.

Prison conditions reportedly remained very harsh, with serious overcrowding, poor sanitation, and unhealthy food. Lome's central prison, built for 350 prisoners, reportedly housed 1,500 inmates or more during the year. Medical facilities are inadequate, and disease and drug abuse are widespread. Prison guards in the overcrowded civil prison of Lome charge prisoners a small fee to shower, use the toilet, or have a place to sleep. Sick prisoners reportedly have to pay \$2 (1,500 CFA francs) to guards before being allowed to visit the infirmary. The children of convicted adults often are incarcerated with the female inmates, who are housed separately from the male prisoners. Juvenile prisoners are held separately from adults. Political prisoners and pretrial detainees are not held separately from convicted prisoners.

In 2000 a local NGO, the African Center for Democracy, Human Rights, and Protection of Detainees (CADEPROD), began to conduct a census of civilian prisons funded by a foreign government; however, the project was discontinued during the year due to management problems.

Although some international and local private organizations have access to prisons for monitoring purposes, the International Committee of the Red Cross did not request a visit during the year. In 2000 the LTDH sponsored a seminar on torture, which was attended by gendarmes, prison guards, and magistrates; however, there was no change in the treatment of prisoners following the seminar.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remained problems. The law allows authorities to hold arrested persons incommunicado without charge for 48 hours, with an additional 48-hour extension in cases deemed serious or complex. In practice detainees can be, and often are, held without bail for lengthy periods with or without the approval of a judge. Family members and attorneys officially have access to a detainee after an initial 48- or 96-hour detention period; however, authorities often delay, and sometimes deny, access.

Judges or senior police officials issue warrants. Although detainees have the right to be informed of the charges against them, police sometimes ignore this right. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail. However, a shortage of judges and other qualified personnel, plus official inaction, have resulted in lengthy pretrial detention--in some cases several years--and confinement of prisoners for periods exceeding the time they would have had to serve if they had been tried and convicted. For example, Kokou Alowou and Dela Atidepe were arrested in 1993, charged with armed robbery and manslaughter, and still were awaiting trial at year's end. In 2000 an estimated 50 percent of the prison population was pretrial detainees; there were no available statistics for the pretrial detainee population at year's end.

The Government continued to use brief investigative detentions of less than 48 hours to harass and intimidate opposition activists and journalists (see Section 2.a.). For example, on May 29, Thomas Gnandi and Kodjo Gbodzisi, the President and Vice President of CEUL, were arrested and detained overnight following a call for student protests (see Sections 1.c. and 2.a.). They were not charged. The Government at times has resorted to false charges of common crimes to arrest, detain, and intimidate opponents.

On April 17, security forces arrested and imprisoned former Army Chief of Staff LTC Kouma Bitenewe at the Para-Commando Camp in Kara, allegedly for dereliction of duty. He reportedly was held incommunicado and beaten. He was neither charged nor tried for his supposed offense. He was released from detention and was under house arrest at year's end.

On June 6, former Human Rights Minister and Rally for the Support of Democracy and Development (RSDD) president Harry Olympio was arrested for the production and possession of explosives. Minister of Interior General Sizing Walla accused Olympio of plotting a coup. After a seriously flawed trial, Olympio was convicted and sentenced to 18 months in prison and fined.

On September 27, gendarmes arrested opposition UFC Party leader Mark Palanga in his Kozah offices. Palanga was tried, convicted, and sentenced to 6 months in prison for defamation of northern military zone commander Lieutenant Colonel Ernest Gnassingbe, the President's son.

In November security forces detained student union leader Hounjo Mawudzuro and charged him with defamation after he accused the paramilitary police of torture. On November 28, he was released and the charges were dropped.

Five persons were arrested, detained, and ultimately convicted of crimes for political reasons during the year (see Section 1.e.).

Members of the security forces arrested and detained journalists, sometimes without charging them with any offense (see Section 2.a.). On October 13, the Gendarmerie arrested journalist Komi Nemvame Klu for publishing "false information" about public figures (see Section 2.a.). On October 30, he was released without charge.

After forcibly dispersing several demonstrations during the year, members of the security forces arrested and detained numerous persons, sometimes without charging them with any offense (see Sections 1.c., 2.a., and 2.b.).

On June 2, security forces forcibly dispersed a student demonstration; seven students were arrested and later released without being charged (see Sections 2.a. and 2.b.). On August 11 and 18, security forces used tear gas and truncheons to forcibly disperse opposition party demonstrators protesting the August 3 imprisonment of opposition CAR President Yawovi Agboyibo (see Section 1.e.); several demonstrators were arrested and later released without being charged (see Section 1.c.).

Members of the security forces detained human rights monitors and activists (see Section 4).

The status of UFC activist Abevi Abbey, detained by security forces in 1999 for distributing leaflets that urged the public to participate in UFC-sponsored Independence Day demonstrations, remains unknown. A domestic NGO believed that he had been released.

The Constitution prohibits exile, and the Government respected this prohibition; however, several opposition and human rights workers remained in self-imposed exile because they feared arrest. For example, in March 2000, several student opposition leaders were sentenced to 18-month jail terms for allegedly inciting riots while they were on the campus of the University of Benin. Some students fled into self-imposed exile in Ghana before they could be arrested; at year's end, some students remained in Ghana out of fear of arrest if they returned to the country.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the executive branch continued to exert control over the judiciary. A majority of the members of the Supreme Council for the Magistrature are supporters of President Eyadema. Judges who belong to the pro-Eyadema Professional Association of Togo Magistrates (APMT) reportedly receive the most prestigious assignments, while judges who advocated an independent judiciary and belong to the National Association of Magistrates (ANM) were marginalized.

The Constitutional Court stands at the apex of the court system. The civil judiciary system includes the Supreme Court, Sessions (Court of Assizes), and Appeals Courts. A military tribunal exists for crimes committed by security forces, but its proceedings are closed. Former Interior Minister General Seyi Memene serves as Justice Minister.

The court system remained overburdened and understaffed (see Section 1.d.). Magistrates, like most government employees, are not always paid on time. The judicial system employs both traditional law as well as the Napoleonic Code in trying criminal and civil cases. Trials are open to the public, and judicial procedures generally are respected. Defendants have the right to counsel and to appeal. The Bar Association provides attorneys for the indigent. Defendants may confront witnesses, present evidence, and enjoy a presumption of innocence. In rural areas, the village chief or council of elders may try minor criminal and civil cases. Those who reject the traditional ruling may take their cases to the regular court system, which is the starting point for cases in urban areas.

Opposition figures were imprisoned for the expression of political opinions, and frequently denied a fair trial. On April 21 in Kara, Yawovi Jules Kpizia, a representative of the opposition CAR political party, was arrested for defamation of the President's son Lieutenant Colonel Ernest Gnassingbe. Kpizia reportedly complained publicly of Gnassingbe's intervention in a civil dispute. He was convicted and sentenced to 3 months in prison.

On May 23, Lucien Messan, editor of *Combat du Peuple*, an opposition weekly, was arrested for fraud. The Government accused Messan of misrepresenting himself as the director of his newspaper when he signed an opposition declaration in April. In fact Messan's son is the director and Messan is the editor. After a short trial, Messan was convicted and sentenced to 1 year in prison and 6 months probation (see Section 2.a.). The Paris-based Reporters Without Borders group described the jailing of Messan as politically motivated and called for his immediate release; in November Messan was pardoned by the President and released from prison.

On June 6, Harry Olympio, former Human Rights Minister and opposition RSDD president, was arrested for the production and possession of explosives. Minister of Interior General Sizing Walla accused Olympio of plotting a coup. After a seriously flawed trial, Olympio was convicted and sentenced to 18 months in prison and fined \$500 (360,000 CFA francs) (see Sections 1.d. and 4). The sole prosecution witness, allegedly hired by Olympio to produce explosives, claimed to have been paid by Olympio in Lome on a date when Olympio, in fact, was in Cote d'Ivoire. His passport was presented as evidence of this discrepancy, but was never taken into account by the judge. There were additional conflicting points in the witness' statements. This witness also was tried for his role in the supposed coup plotting and was sentenced to 1-year probation.

On August 3, Yawovi Agboyibo, president of the opposition CAR political party, was convicted of defaming Prime Minister Agbeyome Kodjo. Agboyibo accused Kodjo, then director of the Lome Port, of organizing armed gangs in Yoto Prefecture during the 1998 presidential elections who killed Kofi Mathieu Kegbe, a CAR party official. The U.N./OAU Commission of Inquiry that visited the country in November 2000 echoed these accusations. After a brief trial, the magistrate--a high-ranking member of the ruling RPT Party--sentenced Agboyibo to 6 months in prison and fined him \$135 (100,000 CFA francs). The International Federation on Human Rights (FIDH) called the ruling arbitrary. The trial was flawed. There were serious irregularities including a disregard for proper judicial procedure. Agboyibo's lawyers had requested that the judge recuse himself or be replaced due to the possibility of political bias. The judge refused to recuse himself, and the Court of Appeals declined to replace him (see Section 3). Agboyibo filed an appeal, which was pending at year's end. However, in September a government prosecutor accused Agboyibo of complicity in Kegbe's death, which Agboyibo had accused Kodjo of instigating. At year's end, Agboyibo remained in prison, and the case still was under investigation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the sanctity of residences, the confidentiality of correspondence and telecommunications, and prohibits searches and seizures not prescribed by law; however, security forces often infringed on these rights. In criminal cases, a judge or senior police official may authorize searches of private residences. In political and national security cases, the security forces need no prior authorization. Police conducted searches without warrants, searching for arms caches as well as for criminals, often under the guise of searching for identity cards. Armed security checkpoints exist throughout the country, and security forces regularly search vehicles, baggage, and individuals in the name of security (see Section 2.d.).

Security forces entered private residences, particularly in the north, for the purpose of disrupting meetings among opposition political figures (see Section 2.b.). On April 2, six gendarmes entered the home of an opposition UFC representative in Kara, broke up a meeting being held there, and seized a videotape recording of the session. On August 3, the prefect of Agou, accompanied by security forces, interrupted a meeting in the residence of a UFC activist and ordered those attending to disperse.

Citizens believe that the Government monitors telephones and correspondence, although this surveillance has not been confirmed. The police and National Gendarmerie performed domestic intelligence functions. The Government maintained a system of informers on the university campus (see Section 2.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government restricts these rights in practice. The Government repeatedly harassed and intimidated print media journalists through threats, detentions, and criminal libel prosecutions. Police and gendarmes occasionally harassed newspaper vendors and confiscated issues of some opposition newspapers. Advertisers reportedly often were intimidated as well. Few opposition newspapers were distributed outside the Lome area, particularly in areas not known to be ruling party strongholds.

Several persons were arrested, detained, and ultimately convicted of defamation during the year (see Sections 1.d. and 1.e.).

In 2000 the National Assembly adopted an amendment to the 1998 Press and Communication Code. Article 1 of the 1998 code declares that the media are free; most of the remaining 108 articles restrict media freedom. Article 62 makes the intentional publication of false information a criminal offense, punishable by fines of \$900 to \$1,800 (500,000 to 1 million CFA francs). Articles 90 to 98 make defamation of state institutions or any member of certain classes of persons, including government officials, a crime punishable by imprisonment for up to 3 months and fines of up to \$4,000 (2 million CFA francs). Article 89 makes it a crime, punishable by up

to 3 months in prison for a second offense, to "offend the honor, dignity or esteem" of the President and other government leaders. The law also provides that editors and publishers, including legislators with parliamentary immunity, are liable for crimes committed through the press. The amendment revised Article 89 to provide for 3- to 6-month jail terms for first offenders, which previously were subject only to 3-month suspended sentences. In practice first-time offenders were imprisoned in spite of the former article, which was changed to conform to practice.

Also in 2000, the National Assembly passed a law further regulating journalism, which included a provision requiring that all journalists must have a journalism degree; however, there are no journalism programs offered in the country. Although a grandfather clause applies to those already active in journalism, observers believe that this law could be used to prevent persons seen as unsympathetic to the Government from becoming journalists. Although it is not necessary to be an accredited journalist to publish an editorial or opinion article, the Government may take reprisals if offended by published material, such as arresting or detaining the writer, or firing a civil servant.

Despite Government interference, there is a lively press, most of which is heavily politicized, and some of which is highly critical of President Eyadema. More than 15 privately owned newspapers publish with some regularity. The only daily newspaper, Togo-Presse, is government-owned and controlled. There are several independent newspapers that publish on weekly and biweekly schedules.

There is no prepublication censorship of print media in law or practice; however, journalists practiced varying degrees of self-censorship, and security forces frequently threatened or detained print media journalists and interfered with the distribution of newspapers.

On March 17, security forces seized copies of the independent newspaper Akekle without explanation. On March 27, security forces also seized copies of newspaper Le Regard without explanation. On June 5, security forces and 30 gendarmes raided the offices of Combat du Peuple, an opposition newspaper; they seized copies of the newspaper and damaged the printing press (see Section 1.f.). Authorities expressed concern that the paper was going to publish an article detrimental to public security.

Members of the security forces arrested and detained journalists, sometimes without charging them with any offense. On May 23, Lucien Messan, Combat du Peuple editor, was arrested and convicted of fraud for misrepresenting himself as director of the publication, and was sentenced to 1 year in prison and 6-months probation (see Section 1.e.). In November Messan was pardoned by the president and released from prison. On October 13, the Gendarmerie arrested journalist Komi Nemvame Klu for publishing "false information" about a public figure.

On July 19, the Director General of Police questioned Francis-Pedro Amuzun, director of Crocodile; Amuzun was threatened with arrest for an article published in Crocodile that was critical of the police.

In September Agence France Presse (AFP) closed its local office for approximately 1 week due to threats from the Prime Minister, who demanded the removal of the Lome based correspondent after the correspondent reported that the President intended to leave office in 2003.

At year's end, no further action had been taken in the case of Ame Kpeto, an army warrant officer who made critical statements about government officials at a military assembly in 1998. In 1999 Kpeto was charged with slandering the honor of the army and transferred to the civil prison of Lome to await a civil trial; he still was waiting to be tried at year's end.

Radio remains the most important medium of mass communication. In addition to 2 Government-owned stations including Radio Lome, there are more than 30 private radio stations in the country, many of which were licensed officially in January. Two of these, Radio Avenir and Galaxy FM, are associated with the ruling RPT Party.

Some private radio stations broadcast domestic news; however, they offer little of the political commentary and criticism of the Government that is widespread in the print media. Radio France International is heard 24 hours a day through an FM repeater and Africa Numero-1 also has an FM repeater in Lome. A private station, Kanal FM, is a foreign affiliate and carries several hours of news, music, and commentary daily.

On January 13, the Government shut down Radio Jeunesse Espoir, a small radio station operating in Tagligbo, after it announced a January 13 mass commemorating the death of Sylvanus Olympio, the country's first President. The authorities briefly detained the employees of the radio station. In April the radio station was permitted to resume operations, but under a new name and with a new frequency.

In November the High Authority for Audio-Visual and Communications (HAAC) ordered Radio Victoire to stop airing two call-in programs in which listeners voiced their opinions on news and current events; Reports Without Borders protested the action. Despite the warning, Radio Victoire continued to broadcast call-in programs, and the Government took no further action by year's end.

The government-owned and controlled Television Togo and TV-2 are the only major television stations in Lome and in most of the country. TV-2 is privately-owned and through an arrangement with a French television station carries France-based TV5's international news programming. Three smaller television stations began operations during the year, but their broadcasts are limited to certain localities, and their content primarily is of a religious or entertainment nature.

The Constitution mandates equal access to state media; however, the official media heavily slanted their content in favor of the President and the Government. The HAAC is charged with providing equal access to state media as mandated by the Constitution. Although it is nominally independent, in practice it operated as an arm of the Government. It is dominated by Eyadema supporters and has not increased opposition access to the Government-controlled media. Two opposition representatives were appointed in August to improve the HAAC's balance. The Togolese Media Observatory (OTM), an NGO, was established in November 1999 to protect press freedom and to improve the professionalism of journalists. OTM's board and membership include both government and private journalists. During the year, it met regularly to discuss journalistic ethics and professional standards.

There were no reports that the Government restricted access to the Internet. There are approximately 15 Internet service providers in the country. Most Internet users are businesses rather than households. Access to the Internet and fax machines also is possible through many small stores and cafes in Lome and other cities.

At the country's sole university, the University of Lome, previously known as the University of Benin, academic freedom is constrained by potential harassment by the Government and anti-opposition militants, or both, and the lack of a faculty-elected Rector. Teachers' salaries and students' stipends rarely are paid on time. In May students began boycotting classes to protest 16 months of scholarship arrears, forcing the university to close early for the summer, and nearly causing the cancellation of the school year (see Sections 1.c., 1.d., and 2.b.). A government informer system reportedly continued to intimidate students. The only officially tolerated student groups, the High Council of the Student's Movement (Haut Conseil des Mouvements Etudiants) and the General Union of Students and Interns of Togo (Union General des Etudiants et Stagiaires du Togo), are pro-Eyadema. The independent student organization CEUL has had longstanding unofficial recognition, and its elected representatives have participated on university committees. However, in May Thomas Gnandi and Kodjo Gbodzisi, the President and Vice President of the CEUL, were expelled from the University for creating unrest in the student body. On May 29, Gnandi and Gbodzisi were arrested and allegedly tortured following protests by students and professors over their expulsion (see Sections 1.c. and 1.d.).

There were several incidents during the year in which security forces forcibly dispersed student protests (see Sections 1.c. and 2.b.).

Former CEUL leader Lorempo Lamboni, who went into hiding in 2000 after being charged by the Government with responsibility for the events that led to the death of one student during violent clashes with security forces on the university campus, obtained refugee status in Benin but reportedly returned to the country during the year. At year's end, there was no new information available regarding Lamboni.

b. Freedom of Peaceful Assembly and Association

The Constitution says citizens are free to assemble; however, the Government restricts this right in practice. Opposition political parties rarely were allowed to hold public meetings in Lome, and authorities systematically interfered with the freedom of political opponents attempting to assemble in the central and northern regions.

Government officials prohibited, and security forces forcibly dispersed, some public demonstrations critical of the Government. During the year, opposition groups accused Northern Military Zone Commander Lieutenant Colonel Ernest Gnassingbe, the President's son, of blocking or breaking up public and private political demonstrations and meetings (see Section 1.f.). On April 2, Gnassingbe harassed representatives of the opposition UFC political party, including Secretary-General Fabre, and disrupted the political meetings.

On February 24, police used tear gas and truncheons to disperse forcibly opposition party demonstrators who were demonstrating in support for the findings of the U.N./OAU (see Section 1.a.); 10 demonstrators were injured.

On August 11 and 18, security forces used tear gas and truncheons to disperse forcibly opposition party demonstrators, who were protesting the August 3 imprisonment of Yawovi Agboyibo; some demonstrators suffered cuts and bruises (see Sections 1.d. and 1.e.).

The Government banned several opposition gatherings during the year. The Minister of the Interior General Sizing Walla ruled illegal an opposition march scheduled for June 16; no reason was given for the ruling. On August 26, the Minister ruled illegal a planned opposition UFC meeting. UFC activists who had distributed leaflets advertising the event were arrested and detained for 1 day by gendarmes. On October 3, the Government banned opposition marches planned to commemorate riots that took place on October 5, 1990.

Security forces also forcibly dispersed several student demonstrations during the year (see Sections 1.c., 1.d., and 2.a.). On March 28, government security forces used tear gas and truncheons to disperse forcibly a student demonstration in protest of a 16-month backlog in payment of scholarships; some students suffered cuts and bruises.

Security forces also prevented opposition party members from traveling or entering certain towns (see Section 2.d.). On July 22, the opposition UFC Party accused gendarmes of blocking party leaders from traveling to a political rally north of Moretan on the road to Elavagnon.

On June 2, security forces used truncheons and tear gas to disperse students protesting scholarship arrears, the constant police presence on the university campus, and the expulsion and arrest of the two student leaders; approximately 12 students suffered cuts and bruises (see Sections 1.d. and 2.a.).

Following a 1999 riot allegedly caused when security forces dispersed a student gathering at a Lome high school, officials told the arrested students that they would be held responsible and rearrested for any demonstrations that occurred subsequently in Lome; however, no subsequent action occurred by year's end.

On July 14, RPT activists disrupted opposition UFC meetings in Kamina and Nyamassila; gendarmes watched but did not intervene.

Under the Constitution, citizens have the right to organize associations and political parties; however, the Government restricted this right in practice. While political parties are able to elect officers and register, few opposition party offices and no pro-opposition newspapers operate in most towns in the central and northern regions.

There are many nongovernmental organizations (NGO's); they are required to register with the Government. Associations and religious organizations must register with the Ministry of the Interior. Development NGO's must register with the Ministry of Planning. NGO's involved with finance, such as credit unions and cooperatives, must register with the Ministry of Finance and Economy.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

The Government establishes requirements for recognition of religious organizations outside the three main faiths--Roman Catholicism, Protestantism, and Islam, which are recognized officially. Applications for recognition must be submitted to the Interior Ministry's Division of Civil Security. A religious organization must submit its statutes, a statement of doctrine, bylaws, names and addresses of executive board members, the pastor's diploma, a contract, a site map, and a description of its financial situation. The Interior Ministry issues official recognition. The Civil Security Division also has enforcement responsibilities when there are problems or complaints associated with a religious organization.

The Government recognizes 97 religious groups, of which most are smaller Protestant groups and some new Muslim groups. Members of those religions not officially recognized are permitted to practice their religion, but have no legal standing. In 2000 38 religious groups submitted applications to the government requesting official recognition. Since 1991 317 groups have applied for recognition. There was no information available regarding the criteria for recognition, the number of rejections, or details about the groups that had been rejected. If an application provided insufficient information for recognition to be granted, the application often remained open indefinitely.

The Constitution prohibits the establishment of political parties based on religion and states explicitly that "no political party should identify itself with a region, an ethnic group, or a religion."

Catholics, Protestants, and Muslims occupy positions of authority in local and the central government.

According to an international NGO, the authorities established an interministerial commission in early 2000 to investigate the activities of all religious groups in the country whose mode of worship allegedly harms the welfare of society. The Prime Minister expressed concern about the methods of worship by religious groups that beat cymbals and drums at night; however, the Government took no measures to restrict these groups during the year.

The 17-member National Human Rights Commission (CNDH), elected by the National Assembly, includes Catholic, Muslim, and Protestant representatives. The CNDH hears appeals by religious organizations that the Government has disallowed. For example, in past years, Jehovah's Witnesses were not allowed to practice because they would not take an oath to the national flag; however, this restriction was eased in 1998.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government restricts them in practice. Armed security checkpoints and arbitrary searches of vehicles and individuals are common, and government security forces searched cars throughout the country. Undisciplined acts of some soldiers manning roadblocks, such as frequent demands for bribes before allowing citizens to pass, impeded free movement within the country. The Government prevented opposition political parties from traveling and campaigning in the north of the country (see Section 2.b.). Security forces also prevented opposition party members from traveling or entering certain towns (see Section 2.d.). On July 22, the opposition UFC Party accused gendarmes of blocking party leaders from traveling to a political rally north of Moretan on the road to Elavagnon. On August 25, UFC members traveling to Badou were stopped by security forces and not allowed to enter the town. On the same day, gendarmes allegedly acting on the prefect's orders prevented opposition activists from entering Kougnohou.

In 2000 the Government eased its strict documentation requirements for citizens who apply for a new passport or a passport renewal. In previous years, applicants were asked to provide an airline ticket, business documents, an invitation letter, a parental authorization letter (even for adults), proof of study grant for students, and a husband's permission for a married woman in addition to normal identity papers (see Section 5). The Passport Office is the responsibility of the Gendarmerie, which falls under the Defense Ministry. Although the Government eased some documentation requirements for persons applying for passports, application requirements and a shortage of blank passports prevented or significantly hindered some citizens' travel. However, in 2000 a new machine-readable passport was introduced; delays for passports are a result of 2 years' deferred demand and the centralization of the passport-issuing authority. Instead of a passport, a national identity card also can be used for travel to other member countries of the Economic Community of West African States.

There is no law that provides for the granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the Government provides first asylum. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees; however, in December the UNHCR office in Lome closed. At the end of 2000, UNHCR estimated that country hosted 11,208 refugees from Ghana; another 11,000 Ghanaian refugees lived in villages in the northern part of the country, unassisted by UNHCR. The UNHCR also estimated that 1,058 Togolese refugees remained outside the country.

In June the Government refused entry to the MV Alnar, a ship carrying Liberian migrants; however, the Navy helped the ship repair its propeller and provided food and water for the passengers and crew. The ship eventually docked in Nigeria, where the passengers were granted refugee status.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their Government peacefully; however, the Government restricts this right in practice. In the 1998 presidential election, the Government prevented citizens from exercising this right effectively. The Interior Ministry declared Eyadema the winner with 52 percent of the vote; however, serious irregularities in the Government's conduct of the election strongly favored Eyadema and appear to have affected the outcome materially.

Although the Government generally did not obstruct the actions of political opponents openly, the President used the strength of the military and his government allies to intimidate and harass citizens and opposition groups (see Sections 1.d., 1.e., and 2.b.). The Government and the State remained highly centralized.

President Eyadema's national Government appointed the officials and controlled the budgets of all subnational government entities including prefectures and municipalities, and influenced the selection of traditional chiefs.

The second multiparty legislative elections of Eyadema's 33-year rule were held in 1999. However, the opposition boycotted the election, in which the ruling party won 79 of the 81 seats in the National Assembly. The two remaining seats went to candidates from little-known independent parties. The legislative elections were marred by procedural problems and significant fraud, particularly misrepresentation of voter turnout.

The opposition set several conditions before it would take part in the 1999 legislative elections. Chief among them was a settlement of the dispute over the seriously flawed June 1998 presidential election in which the vote count was stopped and President Eyadema declared the winner by the Interior Minister. Under international pressure, the Government began preliminary discussions with the opposition which, according to an agreement reached in December 1998, were to be followed by formal negotiations, in the presence of international facilitators. When the parties disagreed over UFC insistence that formal negotiations occur outside of the country, the Government scheduled a first round of legislative elections on March 7, 1999, and a runoff on March 21, 1999. The Government argued that the mandate of the outgoing legislature expired in March 1999 and that elections had to be held to avoid a constitutional vacuum. When the opposition did not register candidates, the Government proposed a 2-week postponement; however, the opposition parties maintained their position in favor of a boycott. The elections proceeded and virtually the only candidates to run were those from the RPT.

In February 1999, the Council of Ministers passed a decree requiring security forces to vote 3 days before the general population, and some 15,000 military, gendarmes, police, customs officials, and firemen voted on March 18, 1999. Opposition party members of the National Electoral Commission stated that the special voting procedures for security forces violated the Electoral Code because they occurred before the end of campaigning, and that the vote count occurred 72 hours after the vote instead of immediately afterwards. According to the Government, approximately 65 percent of the population participated in the legislative elections while the opposition stated that the figure could not be more than 10 percent. The progovernment National Electoral Commission, absent the commission's opposition party members (who also boycotted the process), reported that turnout reached approximately 37 percent in the opposition stronghold of Ave and as much as 95 percent in Kozah prefecture in the north, where the ruling party has greater support. The opposition took no part in the revision of voter rolls, the distribution of voter cards, the monitoring of the vote, and the counting of the ballots. National election observer organizations did not participate, and international observation was sporadic.

The Government invited a few international observers to comment on the organization and management of the election; however, there were no independent observers present when the military voted on March 18, 1999. Although RPT candidates ran unopposed in most districts, there were reports of intimidation and evidence of fraud to boost statistics on voter participation in what were essentially one-party elections. For example, in Tchaoudjo, where voting started at 6 a.m., polling place officials did not allow delegates of an independent party to participate in the supervision work until 9 a.m.; these delegates watched ballot boxes being stuffed. In Agou independent party delegates claimed that they saw individuals voting more than 10 times. Foreign diplomats observed voting at close to 200 polling stations, mainly in and around Lome, but also in Yoto prefecture. Turnout was below the levels reflected in official results for most of these locations.

On April 9, 1999, the Constitutional Court confirmed that of the 2,412,027 registered voters, 1,592,661 voted, for a turnout of 66 percent. The court rejected a dozen complaints and annulled the results in two districts; however, new elections were never held in these districts, and the districts remained unrepresented at year's end.

The National Assembly has little authority or influence on President Eyadema and has limited influence on the Government. Aside from controlling its own programs and activities and writing amendments to the Constitution, the National Assembly largely approves the proposals of the President and the Government.

After the 1999 legislative elections, the Government announced that it would continue to pursue dialog with the opposition. In August 2000, the President appointed the former president of the National Assembly, Agbeyome Kodjo, a former Interior Minister and RPT supporter, as the new Prime Minister. He replaced Eugene Koffi Adoboli, a former career U.N. officer who was not a member of the ruling party. In September 2000, the National Assembly, in a secret ballot with just one candidate running, voted to elect former National Assembly first Vice President Fambare Natchaba to replace Kodjo as president of the National Assembly.

In June 1999, the RPT and opposition parties met in Paris, in the presence of facilitators representing France, Germany, the European Union, and La Francophonie, to agree on security measures for formal negotiations in Lome. On July 29, 1999, all sides signed an accord called the "Lome Framework Agreement," which included

a pledge by President Eyadema that he would respect the Constitution and not seek another term as president after his term expires in 2003. The accord also called for the negotiation of legal status for opposition leaders, as well as for former heads of state (such as their immunity from prosecution for acts in office), although at year's end only the former had been considered. In addition the accord addressed the rights and duties of political parties and the media, the safe return of refugees, the security of all citizens, and a provision for compensating victims of political violence. The President also agreed to dissolve the National Assembly in March 2000 and hold new legislative elections, which would be supervised by an independent national election commission and which would use the single-ballot method. In 2000 the Government established the CENI, which is composed of 10 members of the President's RPT party and 10 members of the opposition. Most opposition parties accepted the new Electoral Code; Artheme Ahoomey-Zunu, a member of the opposition Pan-African Patriotic Convergence Party CPP, serves as its president. In 2000 the CENI worked with the Government to develop a budget and then sought funding from the donor community for new legislative elections. The Government postponed the scheduled March 2000 elections because of "technical difficulties," and elections were rescheduled for October 14 and 28. Due to disagreements between the opposition and ruling party on basic rules and the Government's unwillingness or inability to allocate necessary resources, elections were postponed again in September; the elections were rescheduled for March 2002.

In 1998 the National Assembly voted on a decentralization plan, but the plan's implementation has been slow. Administratively, the prefect, nominated by the Interior Minister, is the primary representative of the central government in each of the 30 prefecture. Some Government agencies have representatives in the five regions.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no legal restrictions on the participation of women. Although many women are members of political parties, there were only 2 female ministers in the Government and 5 female members in the 81-member National Assembly.

The percentage of minorities in government and politics does not correspond to their percentage of the population; however, there are no legal restrictions on the participation of members of ethnic minorities. Members of southern ethnic groups were underrepresented; however, no ethnic group, including the President's, was overrepresented conspicuously in the Cabinet.

Section 4 Government Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are several domestic private human rights groups, including the LTDH, the Center of Observation and Promotion of the Rule of Law (COPED), the CADEPROD, and the Togolese Association for the Defense and Protection of Human Rights (ATDPDH). In general the Government allows groups to investigate alleged violations of human rights; however, the Government occasionally threatened or hindered the activities of human rights activists and was inconsistent in following up on investigations of abuses. Years of government threats and intimidation of human rights leaders, combined with a lack of results from human rights initiatives, have led some human rights monitors to end their public activities.

The Government vigorously disputed the 1999 Amnesty International report on alleged extrajudicial killings that occurred during the period of the 1998 presidential election, as well as the report of the U.N./OAU Commission of Inquiry, (see Sections 1.a. and 1.b.). The Government vigorously disputed the report's findings and threatened to sue Amnesty International. In criticizing Amnesty International, the Government also noted that no journalist or foreign observer who monitored the 1998 election reported bodies washing ashore; however, the newspaper L'Aurore in its August 13, 1998, edition, mentioned some bodies washing up on the Togolese and Beninese shores. The Government stated that the UFC and CDPA opposition parties directed the Amnesty International report, a charge denied by those groups and by Amnesty International. The Government also alleged that the ATDPDH collaborated with Amnesty International.

In 2000 the U.N./OAU Commission visited the country and Benin to investigate the allegations and meet with the President and cabinet members as well as with fishermen and farmers in the country and in neighboring Ghana and Benin. Under the terms of the inquiry, the Government pledged not to retaliate against witnesses. The Commission found "the existence of a systematic pattern of human rights violations in Togo in the course of 1998." The Commission received a number of accounts substantiating the reports of bodies discovered by fisherman in the water. The Commission reported that its work was hindered by Togolese authorities' attempts to intimidate and bribe Beninese fisherman and journalists to keep them from speaking with the Commission. The Commission also reported on a number of extrajudicial killings and disappearances surrounding the 1998 elections that had not yet been reported (see Section 1.a.). International observers received several reports of harassment and intimidation of witnesses by the Government after the Commission's report was published.

The Government responded by creating its own Commission of Inquiry, comprised of four high-ranking jurists,

led by Supreme Court President Fessou Lawson. In June the Commission of Inquiry published findings which directly challenged the findings of the U.N./OAU Commission. The Government's Commission of Inquiry called Amnesty International's charges "unfounded and false," and specifically refuted the U.N./OAU Commission's allegations of eight extrajudicial killings in 1998.

In 2000 the domestic chapter of Amnesty International resumed its activities within the country; however, former officials of the domestic chapter remained in exile.

In 1999 the Ministry for the Promotion of Democracy and the Rule of Law, headed by Harry Octavianus Olympio, opened an information and documentation center on human rights (see Sections 1.d. and 1.e.). However, in 2000 the President fired Olympio and accused him of staging his own attempted killing. In October 2000, the position of Minister for the Promotion of Democracy and the Rule of Law was absorbed into the Ministry of Justice.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of ethnic group, regional or family origin, sex, religion, social or economic status, or personal, political, or other convictions; however, the Government does not provide effective redress for discrimination complaints. Discrimination against women and ethnic minorities remained a problem. Members of President Eyadema's Kabye ethnic group and other northern ethnic groups dominate much of the public sector, especially the military.

Women

Domestic violence against women continues to be a problem. Although mechanisms for redress exist within both the traditional extended family and formal judicial structures, the police rarely intervene in domestic violence cases. Wife beating has been estimated to affect approximately 10 percent of married women.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, continues to be practiced. The most commonly practiced form of FGM is excision, which usually is performed on girls a few months after birth. A 1995 survey concluded that approximately 12 percent of all girls and women have undergone FGM; it is practiced by Christians and practitioners of traditional indigenous religions, and it is prevalent in Muslim communities. Most of the larger ethnic groups do not practice FGM. However, among the practicing groups rates range from 40 to 98 percent.

In theory women and girls are protected from FGM by the Constitution, and the law prohibits the practice with penalties for practitioners ranging from 2 months to 5 years imprisonment as well as substantial fines. The first trial under the law took place in 1998. Both the father of the victim and the practitioner were found guilty in 2000, sentenced to 1 year in prison and fined \$175 (100,000 CFA francs). Both were released after serving 2 months in jail. The law rarely is applied because most FGM cases occur in rural areas where neither the victims nor police know the law. Traditional customs often supersede the legal systems among certain ethnic groups.

The Government continued to sponsor seminars to educate and campaign against FGM. Several NGO's, with international assistance, organized educational campaigns to inform women of their rights and how to care for the victims of FGM.

There was some trafficking in young women for the purpose of prostitution or for labor as domestic servants (see Sections 6.c. and 6.f.).

The constitution declares women equal under the law; however, women continue to experience discrimination, especially in education, pension benefits, and inheritance as a consequence of traditional law. A husband legally may restrict his wife's freedom to work or control her earnings. The Government requires that a married woman have her husband's permission to apply for a passport (see Section 2.d.). In urban areas, women and girls dominate market activities and commerce. However, harsh economic conditions in rural areas, where most of the population lives, leave women with little time for activities other than domestic and agricultural fieldwork. Under traditional law, which applies to the vast majority of women, a wife has no maintenance or child support rights in the event of divorce or separation and no inheritance rights upon the death of her husband. Polygamy is practiced.

The Ministry of Social Affairs, Promotion of Women, and Protection of Children, along with independent women's groups and related NGO's, campaigns actively to inform women of their rights.

Children

Although the Constitution and family code laws provide for the protection of children's rights, in practice government programs often suffer from a lack of money, materials, and enforcement. Although the law protects children, there are many practices that demonstrate a pattern of discrimination against children, especially girls. The Government provides free education in state schools. School attendance is compulsory for both boys and girls until the age of 15. Approximately 61 percent of children aged 6 to 15 years attend school, mostly boys. In the age group of 6 to 15 years, approximately 89 percent of boys and 66 percent of girls start primary school; however, only an estimated 39 percent of boys and 13 percent of girls reach secondary school. Approximately 3 percent of boys and 0.6 percent of girls reach the university level. Literacy rates are 57 percent for adult men and 31 percent for adult women. An estimated one-third of the national budget is spent on education.

Orphans and other needy children receive some aid from extended families or private organizations but less from the State. There are social programs to provide free health care for poor children. There are few juvenile courts, and children are jailed with adults (see Section 1.c.). In rural areas, traditionally the best food is reserved for adults, principally the father.

In November traditional chiefs met and agreed to set up watchdog committees and conduct awareness campaigns against the abuse of children, especially trafficking, confinement in voodoo shrines, FGM, torture, forced marriages, and other forms of sexual harassment.

FGM is performed on approximately 12 percent of girls (see Section 5, Women).

There were reports that young girls were trafficked from the country to Nigeria for prostitution. There also are confirmed reports of trafficking in children, particularly girls, for the purpose of labor, which amounts at times to slavery (see Sections 6.c., 6.d., and 6.f.).

Child labor is a problem (see Sections 6.c., 6.d., and 6.f.).

Persons with Disabilities

The Government does not mandate accessibility to public or private facilities for persons with disabilities. Although the Constitution nominally obliges the Government to aid persons with disabilities and shelter them from social injustice, the Government provides only limited assistance in practice. There is no overt state discrimination against persons with disabilities and some hold Government positions. However, persons with disabilities have no meaningful recourse against private sector or societal discrimination, and in practice there is discrimination against persons with disabilities.

National/Racial/Ethnic Minorities

The country's population includes members of some 40 ethnic groups that generally speak distinct primary languages and are concentrated regionally in rural areas. Major ethnic groups include the Ewe (between 20 and 25 percent of the population), the Kabye (between 10 and 15 percent), the Kotokoli (between 10 and 15 percent), the Moba (between 10 to 15 percent), and the Mina (approximately 5 percent). The Ewe and Mina are the largest ethnic groups in the southern region, where abundant rainfall and access to the sea have been conducive to farming and trade; the Kabye are the largest group in the drier, landlocked, less populous, and less prosperous northern region.

Although prohibited by law, societal discrimination on the basis of ethnicity is practiced routinely by members of all ethnic groups. In particular discrimination against southerners by northerners and against northerners by southerners is evident in private sector hiring and buying patterns, in patterns of de facto ethnic segregation in urban neighborhoods, and in the relative rarity of marriages across the north-south ethnic divide. Discrimination extends into the public sector, where the centralization of the State allows little scope for regional or ethnic autonomy, except through the circumscribed authority of traditional rulers and the use of dispute resolution systems.

The relative predominance in private sector commerce and professions by members of southern ethnic groups, and the relative predominance in the public sector and especially the security forces by members of President Eyadema's Kabye group and other northern groups, are sources of political tension. Political parties tend to have readily identifiable ethnic and regional bases: The RPT party is more represented among northern ethnic groups than among southern groups, while the reverse is true of the UFC and CAR opposition parties.

Unlike in the previous year, when north-south tensions repeatedly erupted into violence of a clearly interethnic character, there were no reports of such violence during the year. In each region, members of majority ethnic groups have harassed and attacked members of ethnic groups originating from the other region, forcing them back to their home region. In addition due to the congruence of political divisions and ethnic and regional divisions, human rights abuses motivated by politics at times had ethnic and regional overtones.

In July there were reports of ethnic violence involving ethnic Ibos from Nigeria. On July 29, a Togolese mob reportedly ransacked a Nigerian church after an ethnic Ibo allegedly stabbed a taxi driver over a disputed fare. The mob reportedly also attacked several Ibo businesses and homes. Many citizens believe that Nigerian Ibos kill young women, drain their blood, and steal their sex organs to perform voodoo to accumulate wealth, health, or protection.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides most workers with the right to join unions and the right to strike; however, security forces, including firefighters and police, do not have these rights; government health care workers may join unions but may not strike. The Constitution also prohibits discrimination against workers for reasons of sex, origin, beliefs, or opinions. The work force in the formal sector is small, involving approximately 20 percent of the total work force of whom from 60 to 70 percent are union members or supporters. The World Bank estimates that the country's total workforce was approximately 2 million persons.

There are several major trade union federations. These include the National Confederation of Togolese Workers (CNTT)--which is closely associated with the Government, the Labor Federation of Togolese Workers (CSTT), the National Union of Independent Syndicates (UNSI), and the Union of Free Trade Unions.

There is no specific law prohibiting retribution against strikers by employers.

Unlike in the previous year, the Government did not arrest any union officials. Air Afrique workers held a strike at Lome's airport during the year.

Federations and unions are free to associate with international labor groups. The CNTT and the UNSI are affiliates of the International Confederation of Free Trade Unions. The CSTT is an affiliate of the World Confederation of Labor.

b. The Right to Organize and Bargain Collectively

The Labor Code nominally provides workers with the right to organize and bargain collectively; however, the Government limits collective bargaining to producing a single nationwide agreement that must be negotiated and endorsed by representatives of the Government as well as of labor unions and employers. All formal sector employees are covered by the collective bargaining agreement. This agreement sets nationwide wage standards for all formal sector employees. The Government participates in this process both as a labor-management mediator and as the largest employer in the formal sector, managing numerous state-owned firms that monopolize many sectors of the formal economy. Individual groups in the formal sector can attempt to negotiate agreements more favorable to labor through sector-specific or firm-specific collective bargaining, but this option rarely is used.

The Labor Code prohibits antiunion discrimination. The Ministry of Labor is charged with resolving labor-related complaints, but it does not always do so effectively.

The law allows the establishment of export processing zones (EPZ's). Many companies have EPZ status, and more than 30 are in operation. The EPZ law provides exemptions from some provisions of the Labor Code, notably the regulations on hiring and firing. Employees of EPZ firms do not enjoy the same protection against antiunion discrimination as do other workers. In practice unions do not have free access to EPZ's or the freedom to organize workers. The 1974 Labor Code prohibits foreign nationals from performing administrative or management functions in trade unions.

c. Prohibition of Forced or Compulsory Labor

The law does not specifically prohibit forced or compulsory labor, and there were no reports of forced labor involving adults. The law does not prohibit specifically forced and bonded labor by children, and children

sometimes are subjected to forced labor, primarily as domestic servants. In 1998 the Government acknowledged the existence of international trafficking in children, particularly girls, who are sold into various forms of indentured and exploitative servitude, which amounts at times to slavery. During the year, the issue received national attention due to several high profile cases and the Government's commitment to address the problem (see Sections 6.d. and 6.f.). There also is some trafficking in young women for the purpose of prostitution or for labor as domestic servants (see Sections 6.d. and 6.f.).

In rural areas, parents sometimes place young children into domestic work in other households in exchange for one time fees as low as \$25 to \$35 (15,000 to 20,000 CFA francs).

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code prohibits the employment of children under the age of 14 in any enterprise. Some types of industrial and technical employment set a minimum age of 18. Inspectors from the Ministry of Labor enforce these age requirements but only in the formal sector in urban areas. In both urban and rural areas, particularly in farming and petty trading, very young children traditionally assist in their families' work.

The Ministry of Social Affairs, Promotion of Women, and Protection of Children is responsible for enforcing the prohibition of the worst forms of child labor; however, few resources were allotted for its implementation and enforcement was weak.

The law does not prohibit forced and bonded labor by children, and children are trafficked for labor (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work

The Government sets minimum wages for different categories, ranging from unskilled labor through professional positions. Less than the official minimum wage often is paid in practice, mostly to unskilled workers. Official monthly minimum wages range from approximately \$20 to \$33 (14,700 to 23,100 CFA francs) per month. The minimum wage does not provide a decent standard of living for themselves and their families, and many workers must supplement their incomes through second jobs or subsistence farming. The Ministry of Labor ostensibly is responsible for enforcement of the minimum wage system but does not enforce the law in practice. The Labor Code, which regulates labor practices, requires equal pay for equal work, regardless of sex; however, this provision generally is observed only in the formal sector.

Teachers' salaries and students' stipends rarely are paid on time (see Section 2.a.). Unlike in the previous year, there were no teacher or student strikes; however, in May students boycotted classes (see Section 2.a.).

Working hours of all employees in any enterprise, except for those in the agricultural sector, normally must not exceed 72 hours per week; at least one 24-hour rest period per week is compulsory, and workers must receive 30 days of paid leave each year. The law requires overtime compensation, and there are restrictions on excessive overtime work. However, the Ministry of Labor's enforcement is weak, and employers often ignore these provisions.

A technical consulting committee in the Ministry of Labor sets workplace health and safety standards. It may levy penalties on employers who do not meet the standards, and employees ostensibly have the right to complain to labor inspectors of unhealthy or unsafe conditions without penalty. In practice the Ministry's enforcement of the various provisions of the Labor Code is limited. Large enterprises are obliged by law to provide medical services for their employees and usually attempt to respect occupational health and safety rules, but smaller firms often do not.

Workers have the legal right to remove themselves from unsafe conditions without fear of losing their jobs; however, in practice some cannot do so.

f. Trafficking in Persons

The law does not prohibit specifically trafficking in persons, although other statutes against kidnaping, procuring, and other crimes linked to trafficking were used to prosecute traffickers, and trafficking was a problem. The country remained a country of origin and transit point for trafficking in persons, primarily children. The country was a transit point for children trafficked from Burkina Faso, Ghana, Cote d'Ivoire, and Nigeria. Trafficking in women for the purpose of prostitution or nonconsensual labor as domestic servants exists. There were 83 victims returned to the country during the year.

The majority of the country's trafficking victims are children from the poorest rural areas, particularly those of Cotocoli, Tchamba, Ewe, Kabye, and Akposso ethnicities and mainly from the Maritime, Plateau, and Central Regions. Adult victims usually are lured with phony lucrative jobs. Children usually are approached by friends or friends of their families. Sometimes parents sell their children to traffickers for bicycles, radios, or clothing, and authorize the transfer of their children.

Children were trafficked to indentured and exploitative servitude, which amounted at times to slavery. Victims were trafficked from rural areas of the Maritime, Plateau, and Central regions of the country to Cote d'Ivoire, Gabon, Nigeria, Europe (primarily France and Germany), and the Middle East, including Saudi Arabia and Kuwait. Children often were trafficked to other West and Central African countries, especially Gabon and Nigeria, to the Middle East, or to Asia. Children were trafficked to Benin for indentured servitude and to Cote d'Ivoire and Ghana for domestic servitude. Boys were trafficked for agricultural work in Cote d'Ivoire and domestic servitude and street labor in Gabon. They were fed poorly, crudely clothed, and inadequately cared for, and were neither educated nor permitted to learn a trade. Children sometimes were trafficked abroad by parents misled into allowing them to depart under false pretenses.

There were reports that young girls were trafficked from the country to Nigeria for prostitution.

According to the Government, in early March, approximately 700 children drowned in two separate incidents, when the boats trafficking them from Nigeria to Gabon capsized. At least half of the children were Togolese; five Togolese children survived and were repatriated. According to their accounts, most Togolese victims came from the country's central region.

In March a Nigerian-registered ship, the MV Etireno, sailed from Cotonou, Benin; according to the international press, it carried as many as 250 children trafficked from West Africa to work as laborers and domestic servants in Gabon. In April the ship arrived at the port of Owendo in Libreville, Gabon, and was turned away by Gabonese authorities, who suspected that illegal immigrants were aboard. On April 17, the ship returned to Benin after approximately 2 weeks at sea. International organizations and their embassies assisted the 23 children found aboard, including 8 from Togo.

On May 11, seven young girls were repatriated by the International Catholic Children's Bureau from Gabon, where they had worked since 1999.

On June 12, security forces intercepted 10 children in the process of being trafficked to Benin and Cote d'Ivoire and arrested 2 Nigerian traffickers, who were extradited to Nigeria.

On July 27, the radio station Nana FM reported that four Togolese children, allegedly serving as slaves in Cote d'Ivoire, were repatriated.

On August 29, a motorized canoe trafficking 131 West African children from Nigeria to Gabon capsized off the coast of Cameroon; 68 Togolese children between the ages of 6 and 15 were on board. The Ministry of Social Affairs repatriated the children.

There were credible reports that Nigerian women and children were trafficked through the country to Europe (particularly Italy and the Netherlands) for the purpose of prostitution.

One woman, who returned from Gabon after 5 years as a victim of trafficking, filed a suit in 2000 against a Gabonese schoolteacher living in the country, who she accused of trafficking in children to work in Gabon; however, by year's end, there was no progress in the case.

Traffickers are believed to be men and women of Togolese, Beninese, and Nigerian nationalities.

The Government has little or no funding to investigate traffickers or trafficking rings. The Government claimed to have arrested or detained 10 traffickers during the year. The Government also reported that it detained briefly 55 parents of the children stranded in Cameroon when the boat that was trafficking them to Gabon capsized. Most persons arrested or detained by security forces for alleged trafficking ultimately were released for lack of evidence. However, as of March, the Government had prosecuted 50 cases against individual traffickers. These resulted in 51 convictions, which included prison sentences of 6 years, 4 years, 12 months, 8 months, 6 months, and deferred or amicable out-of-court settlements.

Government agencies involved in antitrafficking efforts include the Ministry of Social Affairs and Protection and Promotion for Family and Children, the Ministry of the Interior and Security, the Ministry of Justice, and security

forces (especially police, army, and customs units. The Government cooperates with the Governments of Ghana, Benin, and Nigeria under a Quadripartite Law allowing for expedited extradition among those countries.

The police have had limited success in intercepting victims of trafficking, but prosecution of traffickers was rare. During the year, the Government intercepted 377 children, and arrested 10 traffickers, compared to 750 intercepted children and 21 arrested traffickers at the borders in 1999.

The Government provides limited assistance for victims. Terre des Hommes, an NGO, assisted recovered children until their parents or next-of-kin could be notified. There also was a government-funded Social Center for Abandoned Children. During the year, the ILO-sponsored IPEC program conducted a study of trafficking in persons in Togo and West Africa. At year's end, the program was entering its second phase, which will involve funding individual projects to combat trafficking in persons. During the year, the World Bank started to implement of an education program for domestic servants and persons at risk of being trafficked to become domestic servants.

During the year, the Government conducted public awareness campaigns, with the help of the UNICEF and NGO's such as WAO-Afrique. WAO-Afrique obtained additional funding from a private foreign company to support its awareness campaigns against child trafficking and forced labor, which the Government supported.